

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 919 OF 2018

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Ashish Raj Tandon ... Petitioner
V/s.
Reliance Home Finance Ltd. & Anr. ... Respondents

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Mr. Vinod Kothari with Mr. Gaurav Mehta i/b Apex Law Partners for the
Petitioner.
Mr. R.L. Motwani for the Respondents.

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CORAM : A.A. SAYED &
RAVINDRA V. GHUGE, JJ.

DATED : 17 APRIL 2018

P.C.:

In paragraph 4 of the order dated 19 March 2018, we had observed
as follows:

“4 Learned Counsel for the Petitioner on instructions from Mr. Raj Tandon the constituted attorney of the Petitioner, who is present in Court, states that a sum of Rs.89,00,000/- (after adjustment of Rs.2,00,000/- which is already paid) shall be paid to the Respondent No.1 in terms of the impugned order of DRT by 27.03.2018 by RTGS. We accept the statement. Until next date, the Respondent Bank shall not take further steps to auction the said flat. In the event of failure to pay the amount, the Petition shall entail a dismissal order.”

2. On 28 March 2013, we passed the following order:

“By way of indulgence and since the secured assets are residential premises and it is assured that the amount shall be definitely paid in terms of the order dated 19th March 2018, we are inclined to grant one

more opportunity to the Petitioner to pay the amount by 10th April 2018.

2. List the Petition high on board on 11th April 2018.

3. The ad-interim protection granted earlier to continue till then.”

3. Thereafter the matter came up on 11 April 2018 and on the request of the learned Counsel for the Petitioner and by way of further indulgence some more time was given to the Petitioner to pay the amount of Rs.89 lakhs to the Respondent No.1-Bank and the matter was adjourned till today i.e. 17 April 2018.

4. Today, the learned Counsel for the Petitioner informs us that the Petitioner is not in a position to pay the sum of Rs.89 lakhs as recorded in the order dated 19 March 2018 to the Respondent No.1-Bank.

5. In the circumstances, we dismiss the Petition for non-compliance of the directions contained in the order dated 19 March 2018.

(RAVINDRA V. GHUGE,J.)

(A.A.SAYED, J.)